

**CITY OF IONIA  
CITY COUNCIL  
REGULAR MEETING  
Tuesday, April 10, 2007  
7:00 PM, CITY HALL COUNCIL CHAMBERS**

- I. Deputy Mayor Patrick called the meeting to order at 7:00 p.m. and led with the Pledge of Allegiance.
- II. **ROLL CALL** – Present: Councilmembers Gordon Kelley, Monica Miller, Kim Patrick, Bruce Roetman, Jim Smith, and Bob O'Mara. Brenda Cowling-Cronk arrived at 7:04 p.m. and Jeff Winters arrived at 7:15 p.m. Excused: Mayor Dan Balice.

**Others Present:** Larry Harvey, Lynn Lafler, Dave Bulling, Jason Eppler, Gary Cunningham, Chris Kenyon, Sara Jezewski, and Robin Marhofer.

**III. OPEN PUBLIC HEARING:**

Amendment to City Code – Ordinance No. 448 - Parking  
Amendment to City Code – Ordinance No. 449 – Garbage, Rubbish & Recycling

**IV. PUBLIC COMMENTS**

Wesley Hackett and John Lapene asked permission to have a large tree on W. Washington Street to be removed due to the damage this tree has caused St. Johns Episcopal Church. Mr. Hackett and Mr. Lapene believe this tree causes a hazard and makes it very difficult to keep the gutters on the two story church clean. Mr. Hackett stated they plan to replace the large tree with four flowering trees similar to Adams Street. Mr. Eppler stated he has looked at the tree and the tree appears to be healthy therefore in accordance with the City Ordinance. The City trimmed the tree on the side of the church to help minimize the mess caused by the tree. Patrick believes this is a reasonable request and suggested some additional time to evaluate the situation before making a decision. Kelley concurred with Patrick that this is a unique situation and a small committee to evaluate this situation may be necessary. Roetman asked if others throughout the City should be considered and specifically mentioned a tree on the corner of Jefferson Street and Main Street. Patrick then asked who would be responsible for the tree removal. Mr. Hackett stated they are a charitable organization with limited funds and would hope the City would pick up the expense or allow them to cut the tree down. Smith mentioned concern with the City being financially responsible. Cowling-Cronk asked about gutter covers to alleviate the situation and Mr. Hackett stated the wind blows the covers up therefore allowing the leaves to slip under the covers.

Mark Vroman introduced himself as County Commissioner for District 4 and apologized for his delay in attending a City Council Meeting. Mr. Vroman gave some background information and encouraged an open line of communication between the City and the County.

Krista Hans addressed Council regarding a variance to the City Ordinance regarding fences. Mr. Eppler suggested she attend the Planning Commission meeting tomorrow at City Hall at 4:00 p.m.

**V. MONITORING INFORMATION**

Motion by Patrick and Supported by Winters

Approve the minutes from the Regular City Council meeting of March 6, 2007.  
Acknowledge the minutes from the Planning Commission meeting of March 14, 2007 (See B#4).  
Acknowledge the minutes from the DDA meeting of March 21, 2007.  
Approve the payroll for the pay period ending March 7, 2007 of \$110,136.30 and the pay period ending March 21, 2007 of \$108,487.11.  
Acknowledge the Accounts Payable for the Ionia Theatre for March 2007 in the amount of \$30,945.81.  
Acknowledge the Accounts Payable for the DDA for March 2007 in the amount of \$7,530.43.  
Approve the Accounts Payable for the City of Ionia for March 2007 in the amount of \$590,120.66.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Miller, Patrick, Roetman, Cowling-Cronk, O'Mara. Nays: None. Motion Carried.

**VI. CLOSE PUBLIC HEARING:**

Amendment to City Code – Ordinance No. 448 - Parking  
Amendment to City Code – Ordinance No. 449 – Garbage, Rubbish & Recycling

**BUSINESS ITEMS**

1. **Ordinance No. 447 – Valley View Phase I PILOT**

Motion by Kelley and Supported by Smith to remove from the table the matter of Ordinance No. 447 and permit the record of the April 10, 2007 meeting to reflect the second reading and adoption of Ordinance No. 447, the Valley View Phase I PILOT Ordinance with the ordinance to become effective upon publication in the April 15, 2007 edition of the *Sentinel-Standard*:

**CITY OF IONIA  
Ordinance No. 447**

**AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF IONIA BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 890.10 OF CHAPTER 890 – LOW INCOME HOUSING PAYMENT IN LIEU OF TAXES – TITLE FOUR – TAXATION OF PART EIGHT – BUSINESS REGULATION AND TAXATION CODE**

**THE CITY OF IONIA ORDAINS.**

**890.10 VALLEY VIEW PHASE I – PILOT.**

(a) Project Description. Valley View Phase I is an existing project located on North State Street in the City of Ionia and consists of 6 one-bedroom and 66 two-bedroom apartments. The owner proposes the renovation of the project. The purpose of the project is to provide housing for low income persons and families.

Determination. The City hereby determines that Valley View Phase I is a housing development as defined by this Chapter and is entitled to be exempt from taxation but subject to the provisions of a service charge for payment in lieu of taxes (PILOT) as set forth in Act No. 346 of the Public Acts of 1966, as amended.

Annual Service Charge. The amount of the annual service charge for the units which are occupied by low income persons or families is hereby established at 10% of the annual shelter rent. The annual service charge will be based on a constant 95% occupancy rate of the units which are subject to the charge. The annual service charge for the units not occupied by low income persons or families shall be equal to the full amount of the property taxes which would be paid on that portion of the development if the development were not tax exempt.

Condition. The granting of this PILOT is conditioned upon the developer securing a mortgage from the Michigan State Housing Development Authority (project sponsor) for renovating Valley View Phase I.

ROLL CALL VOTE: Ayes: Kelley, Miller, Patrick, Roetman, Cowling-Cronk, Smith. Abstain: Winters.  
Nays: O'Mara. Motion Carried.

**2. Ordinance No. 448 – Parking**

Motion by Winters and Supported by Cowling-Cronk to remove from the table the matter of Ordinance No. 448 and permit the record of the April 10, 2007 meeting to reflect the second reading and adoption of Ordinance No. 448, an ordinance to update the parking regulations in the City, with the ordinance to become effective upon publication in the April 15, 2007 edition of the *Sentinel-Standard*:

**CITY OF IONIA  
Ordinance No. 448**

**AN ORDINANCE TO AMEND AND REVISE CHAPTER 440 OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA ESTABLISHING PARKING REGULATIONS ON THE STREETS AND PUBLIC PARKING LOTS IN THE CITY OF IONIA**

**THE CITY OF IONIA ORDAINS:**

That Chapter 440, Parking, of the Codified Ordinances of the City of Ionia shall be amended as follows:

**440.01 DEFINITIONS.**

As used in this chapter:

(a) "Holiday," as used on the parking instruction, means only those legal holidays as established by the State of Michigan on which a majority of the business places in the parking zones are closed for the transaction of business. These shall include New Year's Day, ~~Christmas Day~~, Memorial Day, Independence Day, ~~Veteran's Day~~, Thanksgiving Day and ~~Martin Luther King Day and Christmas Day~~.

(b) "Downtown District" means the Central Business District of the City and is commonly referred to the area bound by Dexter Street on the west, Washington Street on the north, Adams Street on the south and Library Street/Church Alley on the east.

(c) "Residential District" means all areas within the City not within the Downtown District.

(d) ~~(b)~~ "Parking" means the standing of a vehicle upon any street or public place, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading and unloading passengers or when obeying traffic signals or regulations.

(e)(e) "Parking lots" means those lots owned, leased, under option to purchase, or contracted for by the City, on which vehicles are parked.

(d) "Parking meter zone" means that portion of the streets on which parking meters are placed.

(f) (e) "Vehicle" means any device by which any person or property may be transported upon a highway.

#### **440.02 — METERED PARKING ZONES AND SPACES.**

—When parking meters are erected adjacent to a space marked for parking, such space shall be a metered parking zone, and no person shall stop or park a vehicle in any such zone for a period of time longer than the parking period designated on said parking meter or without satisfying the conditions designated on said parking meter for the deposit of coins of United States currency on the days and during the hours such regulations are designated on such meters as being in effect. Whenever a vehicle shall be parked in an individual parking zone when parking meter regulations are in effect, coins as required by the designation on such meter shall be deposited in such meter immediately upon parking by the owner, operator or passenger of such vehicle. Other persons are prohibited from depositing coins in parking meters.

#### **440.03 — DESIGNATION OF PARKING METER ZONE AREAS; FEES; HOURS AND DAYS; TAMPERING; SLUGS.**

—(a) Council is hereby authorized to designate, by resolution, the street or streets, or parts thereof, or areas within any public parking lot or lots which are to be included within the parking meter zone area. Any area so designated shall become subject to the provisions of this section upon the installation and placing in operation of parking meters in such area.

—(b) Council shall, by resolution, establish fees for the parking of any vehicle in a metered parking zone and shall also, by resolution, establish the hours and days during which the meters in each metered parking zone shall be in operation. Such fees, hours and days as thus established shall be posted on signs in the metered parking zone areas so as to give notice thereof to the general public.

—(1) Parking meter zone areas. The following areas are established as parking meter zone areas within the City:

—A. Kidd Street, along the west side of the street. In the absence of such meters, said area shall be considered a 30-minute parking area.

—(c) No person shall deface, tamper with, open, break or impair the usefulness of any parking meter, standard or sign installed pursuant to the provisions of this section.

—(d) No person shall deposit, or cause to be deposited, in any parking meter, any slug, device or metallic substance as a substitute for a coin of the United States.

#### **440.02 PARKING WITHIN THE DOWNTOWN DISTRICT**

(a) Enforcement. The enforcement of parking regulations in the Downtown District shall generally be accordance with the following parameters.

(1) Parking ~~shall~~ may be enforced in the downtown area beginning at 8:00 a.m. and ending at 5:00 p.m., Monday through Saturday.

(2) Parking hours in the Downtown ~~Central Business~~ District will not be enforced on holidays or Sundays as specified in this chapter.

(3) Enforcement shall include the following ~~streets~~:

A. Washington Street;

B. Main Street;

C. Adams Street;

D. Steele Street;

E. Kidd Street;

F. Depot Street;

G. Hudson Street; and

H. Library Street; and

I. Public parking lots located with the Downtown District.

(4) ~~Enforcement shall include the following parking lots:~~

—A. Adams and Kidd;

—B. Kidd and Washington;

—C. Adams and Depot;

—D. North of Adams between Depot and Steele;

—E. South of Adams between Kidd and Dexter;

—F. Adams and Steele, northwest corner;

—G. Steele and Washington;

—H. The Ionia Armory; and

—I. Steele and Washington.

(4) ~~(5)~~ Parking enforcement shall be made by the Director of Public Safety or his or her designee(s).

#### **440.04 — VIOLATIONS IN PARKING METER ZONES.**

—No person shall park in a parking meter zone or lot except within the areas designated, or fail or neglect to deposit the proper coin or coins. If a vehicle remains parked in any such parking space beyond the parking time limit fixed for such parking space, the parking meter shall, by its dial and pointer, indicate such illegal parking. Such vehicle shall be considered as parking overtime and beyond the period of legal parking time in violation of this chapter.

#### **440.05 — PARKING ON PRIVATE PROPERTY.**

—No person shall park any motor vehicle on any private property in the City without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. A complaint for a violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.

#### **440.06 3 PARKING IN NONMETERED ZONE AREAS DOWNTOWN DISTRICT PARKING REGULATIONS.**

Council is hereby authorized to designate, by resolution, the street or streets, or parts thereof, or areas within any public parking lot or lots which are to be included within the nonmetered parking zone area. Any area so designated shall become subject to the provisions of this section.

(a) Time Limits in a Business District. When signs limiting parking to a specified time period are erected are present in proximity adjacent to a space or lot marked for parking in any Business the Downtown District, no person park a vehicle in excess of the time period on the sign shall stop a vehicle in excess of the time period as established by the official signs in such Business District.

(1) Thirty-minute parking. West side of Kidd Street between Washington Street and Main Street.

(2) ~~(4)~~ Two ~~One~~-hour parking. The following streets are hereby designated, ~~by white lines,~~ as two one-hour parking zones:

- A. Main Street (both sides) from Dexter to Library Street.
  - B. Steele Street (both sides) from Washington Street to Adams Street.
  - C. Depot Street (both sides) from Washington Street to Adams Street.
  - D. Kidd Street ~~(both sides)~~ east side from Washington Street to Main Street and both sides from Main Street to Adams Street except for the "parking meter zone area" that is 30 minute parking in absence of meters.
  - E. Library Street (both sides) from Main Street to Washington Street.
- Washington Street from Steele Street to Library Street.

(2) Three hour parking. The following areas are hereby designated, by yellow lines, as three hour parking zones:

G. The following City parking lots:

A. All City parking lots, specifically:

- 1. The Armory Community Center parking lot;
- 2. ~~The Steele-Washington parking lot;~~
- 2. 3. The Steele-Adams or Knights of Columbus parking lot, except for the ten hour parking spaces located along the south side of the parking lot;
- 3. 4. The parking spaces in the large City parking lot north of Adams Street as identified in the drawing below. ;

and

INSERT DRAWING OF PARKING LOT

4. 5. The Depot-Adams parking lot (located at the north east corner of Depot and Adams Streets), except for the ten hour parking spaces located along the south side of the parking lot.

~~6. The exception to this three hour limit shall be those spaces marked with a red dot which shall be the last three spaces in each row of the large parking lot north of Adams Street and the parking along Adams Street in the K of C parking lot. These spaces shall be a ten hour limit.~~

B. ~~West Main Street from Dexter Street west to Yeomans Street.~~

(3) Ten-hour parking. The following areas are hereby designated, ~~by red dots,~~ as ten- hour parking zones:

A. ~~All City parking lots south of Adams Street, specifically:~~

A. 4- The parking spaces located along the south side of Adams Street between Dexter Street and Steele Street ~~lot at Adams and Dexter;~~

B. 2- The Depot parking lot (located along the south side of Adams Street and contiguous to the former railroad depot); and

C. The Steele-Adams or Knights of Columbus parking lot, but for the two hour spaces located along the north side of the lot.

~~3. The last three spaces in each row of the large Adams Street parking lot and the spaces along Adams Street in the K of C lot.~~

D. The Depot – Adams parking lot (located at the north east corner of Depot and Adams Streets), except for the two hour parking spaces located along the north side of the parking lot.

E. The Steele-Washington parking lot (east and west sides).

F. The spaces in the large City parking lot north of Adams Street as identified in the drawing below.

INSERT DRAWING OF PARKING LOT

G. B- Hudson Street (both sides) from Main to Adams.

**440.04 RESIDENTIAL DISTRICT PARKING REGULATIONS.** ~~—(b) Time Limits in a Residential District.~~ When signs prohibiting or limiting parking to a specific time period are erected in proximity adjacent to a space marked for parking in any Residential District, no person shall park stop a vehicle in that space if parking is prohibited or if parking is limited, park in excess of the time period as established by the official signs in such Residential District that area.

The City Council shall, by resolution, establish time limits and fines for the various parking areas within the City.

#### **440.05 TAMPERING WITH PARKING SIGNS.**

No person shall deface, tamper with, break or impair any parking sign installed pursuant to the provision of this section.

#### **440.07 6 ERASURE OR REMOVAL OF CONTROL MARKS OR DEVICES.**

No person shall intentionally erase or remove any mark or device placed on any vehicle for the purpose of enforcing provisions of this chapter. A violation of this section shall be a civil infraction.

#### **440.08 7 OVERTIME PARKING.**

No person shall cause, allow, or permit ~~or suffer~~ any vehicle registered in the name of, or operated by, such person, to be parked overtime or beyond the period of legal parking time, as shown ~~by the instructions on the meter or on the signs limiting parking time posted in the district.~~

#### **440.08 PARKING ON PRIVATE PROPERTY.**

No person shall park any motor vehicle on any private property in the City without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. A complaint for a violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property

#### **440.09 LOADING/UNLOADING SPECIAL PARKING PERMITS.**

~~(a) The City will provide a parking permit for service vehicles, repair and maintenance trucks and other such commercial vehicles to allow parking in any metered or nonmetered space in the City upon payment of a fee to be established from time to time by Council, due annually on January 1. Partial payment based on a pro rata basis will not be allowed.~~

~~(b) Commercial establishments that deem it necessary to establish truck loading or unloading zones and require the designation of a removal of a meter or parking space for such purpose shall pay a fee to be established from time to time by Council annually after approval of their request by Council.~~

~~—(c) A special request to hood or cover a parking space with appropriate no parking markers shall be allowed upon approval of the Director of Public Safety and advance payment of a fee to be established from time to time by Council per space per day. Such approval shall be given only for the purpose of construction, refurbishment or maintenance for an adjacent building. Special consideration, at no charge, for the purpose of funerals, special events or other requests deemed proper by the Director of Public Safety shall be allowed.~~

#### **440.10 ALL NIGHT PARKING; SWITCH ODD/EVEN PARKING.**

Except when necessary to avoid a conflict with other traffic, or in compliance with law, or at the direction of a ~~police~~ public safety officer or traffic control device, no person shall park a vehicle on or along the side of any street, within the City, with odd building numbers on an even numbered date of the month, or the side of any street in the City with even building numbers on an odd-numbered date of the month, during the months of November thru April, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m., provided that this section shall not apply to that portion of any street marked or posted, on either or both sides, with permanent parking prohibitions.

#### **440.11 NO PARKING ZONE.**

The City, upon the recommendation of the Director of Public Safety, may create no parking zones on public streets in order to prohibit vehicles from parking within a portion of the public street that may otherwise be practical for on-street parking.

#### **440.12 BLOCKING A DRIVEWAY.**

It shall be unlawful to park a vehicle on a public street if the location where the vehicle is parked blocks a driveway.

#### **440.13 NOT PARKING WITHIN PARKING SPACES.**

In locations of the City where parking spaces are identified by pavement markings placed by the City, it shall be unlawful to park a vehicle in a manner so that it is not located within the defined parking space.

#### **440.14 PARKING IN AN ALLEY.**

It shall be unlawful to park a vehicle in an alley and impede traffic if the alley is signed for no parking.

#### **440.15 PARKING IN FRONT YARD AND ON/OVER A SIDEWALK**

No person shall park a vehicle, trailer, or watercraft in a front yard within a residential district of the City, nor on or over any public sidewalk.

A "front yard" for the purpose of this section means that part of a lot, other than a driveway, between the curb or the street line and the front line of the main building on the lot, and for a corner lot, shall include the part of the lot between the side of the building and the curb or the street line.

Vehicles may be parked temporarily in the front yard when loading and unloading, or pursuant to a handicapper permit issued for that purpose.

#### **440.16 PARKING IN A PROHIBITED ZONE.**

In the interest of public safety, the City Council may from time to time, through amendment of the violation schedule, designate locations of a public street where parking is prohibited.

#### **440.17 PARKING FOR A PROHIBITED PURPOSE.**

In the interest of public safety, the City Council may from time to time, through amendment of the violation schedule, identify certain activities which are prohibited from occurring within parking lanes of a public street and within a public parking lot.

#### **440.18 AUTHORITY OF THE PUBLIC SAFETY DIRECTOR.**

The public safety director shall possess such authority necessary to designate on-street parking spaces for use by public safety officials only (police, fire and ambulance services) in the Downtown District as he or she may determine necessary.

#### **440.99 PENALTY; IMPOUNDING.**

(a) Civil Infraction. Whoever violates any of the provisions of this chapter shall be liable for a civil infraction under Public Acts 510 and 511 of 1978, as amended. Adjudication of liability for a violation of this chapter shall be pursuant to Sections R 28.1101 through R 28.1110 of the Michigan Administrative Code as of August 1, 1979, as amended, and Michigan law pertaining to civil infractions.

(b) Violations. Whoever parks in a parking zone in violation of this chapter shall pay fees and penalties provided for in subsection (c) hereof at the Ionia City Hall, ~~the City Treasurer's Office,~~ 114 North Kidd Street, Ionia, Michigan.

(c) Violation Schedule. The following penalties are hereby established for violations of this chapter:

<u>Violation</u>	<u>Fine</u>	<u>After 3 days</u>	<u>After 30 days</u>
<u>One hour nonmetered 30 Minute parking</u>	\$ 5.00	\$ 15.00	\$ 30.00
<u>Two Three-hour nonmetered parking</u>	\$ 5.00	\$ 15.00	\$ 30.00



operator may have the vehicle released from the impoundment by posting a bond, to be approved by the District Judge or Magistrate, in an amount not to exceed five hundred dollars (\$500.00), pending final adjudication of disputed liability. Any vehicle impounded by seizure under any City ordinance may, after one month from the date of seizure, be sold by the Public Safety Department, either at private or public sale, to the highest bidder, after first giving the owner of the car, as is shown in the Office of the Secretary of State in which the car is licensed on the day of seizure, a notice of seizure and proposed sale, in writing, delivered in person or sent by certified mail, return receipt requested, addressed to such person at the owner's place of business or residence as shown in said Secretary of State's Office.

~~(d)~~ **(e) Driver's License Suspension.** If the owner or operator of a vehicle which has been ticketed accumulates six or more unpaid traffic tickets, the Director of Public Safety or his or her designee shall petition the 64-A District Court Judge or Magistrate to issue an order prohibiting the violator from renewing his or her operator's license in the State of Michigan. Such suspension shall remain in effect until all unpaid violations are paid.

ROLL CALL VOTE: Ayes: Kelley, Miller, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters. Nays: None. Motion Carried.

### **3. Ordinance No. 449 – Garbage, Rubbish & Recycling**

Motion by Winters and Supported by Kelley to remove from the table the matter of Ordinance No. 449 and permit the record of the April 10, 2007 meeting to reflect the second reading and adoption of Ordinance No. 449, an ordinance regarding the Garbage, Rubbish and Recycling program in the City, with the ordinance to become effective upon publication in the April 15, 2007 edition of the *Sentinel-Standard*:

#### **CITY OF IONIA Ordinance No. 449**

#### **AN ORDINANCE TO AMEND AND REVISE CHAPTER 1060 OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA, AN ORDINANCE TO PROVIDE A SANITARY AND SATISFACTORY METHOD OR PREPARATION, COLLECTION, DISPOSAL AND RECYCLING OF REFUSE, AND FOR THE MAINTENANCE OF PUBLIC AND PRIVATE PROPERTY IN A CLEAN, ORDERLY, AND SANITARY CONDITION TO ENSURE THE PEACE, HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY**

#### **THE CITY OF IONIA ORDAINS:**

That Chapter 1060, Garbage, Rubbish and Recycling, of the Codified Ordinances of the City of Ionia shall be amended as follows:

#### **1060.02 PURPOSE AND INTENT OF CHAPTER; FINDINGS.**

(b) The City Council has investigated several methods of regulating the creation, collection and disposal of refuse within the City and raising the funds for the cost of such regulation and has determined that the fairest, most economical, most accurate and practiced method of apportioning such costs among the residents, businesses, and public and private entities who create such refuse is to:

(1) Enter into a contract with a contractor to provide for the collection and disposal of residential refuse and recyclables, ~~yard waste and bulk waste~~ and establish rates and charges to pay the costs therefor, as provided in Section 1060.03;

#### **1060.03 CONTRACT FOR RESIDENTIAL REFUSE AND RECYCLING, AND YARD WASTE.**

(a) Bids for the Residential Contract. The City Council shall in its discretion enter into a contract and grant a license to a person, corporation, partnership or firm for the hauling, transporting and handling of refuse from residential structures within the City. The City Council shall use the competitive bidding process for such purpose and shall make its selection based upon the capability, performance and bid price offered by the contractor. The City Council may engage the services of the contractor pursuant to a written contract for a period of one or more years and may renew such contract with or without seeking further bids.

~~—— (1) The Manager is authorized and directed to solicit sealed competitive bids from entities who are qualified to be a licensed hauler under Section 1060.07 of this chapter, for a contract between the City and the contractor to provide for the collection, disposal and recycling of residential refuse, recyclables, yard waste and bulk waste (or any portion thereof) as provided in this chapter. The solicitation shall be published at least three weeks prior to the date set for opening bids in the *Ionia Sentinel Standard* and in such other publications as determined by the Manager and sent directly to such entities as the Manager deems reasonably necessary to obtain competitive bids.~~

~~—— (2) The Manager shall evaluate the bids submitted for the residential contract and deliver copies of the bids, a recommendation regarding which bid, if any, the Manager determines to be the best bid, and a statement regarding the qualification each bidder to be a licensed hauler to City Council. The Manager shall make his or her recommendation based upon the following criteria:~~

- ~~—— A. The rates proposed in the bid for the users of the system.~~
- ~~—— B. The proportionality of the rates among sizes of the residential refuse containers.~~
- ~~—— C. The overall quality of the bid and the services to be rendered.~~
- ~~—— D. The qualifications and experience of the bidder.~~
- ~~—— E. Such other factors as the City Council may determine.~~

~~—(b) Bid Packet and Contract Form. The Manager shall prepare a bid packet containing bidding instructions and a description of the services to be provided, an estimate of the number of residential units within the City to be served, and other matters deemed necessary by the Manager to advise bidders of the nature of the services required. The bid packet shall include the form of residential contract and a statement that each bidder shall be required to accept the terms of such contract if and when awarded by City Council. The residential contract form shall contain at a minimum the following requirements:~~

- ~~—(1) Weekly collection of residential refuse and recyclables;~~
- ~~—(2) Monthly yard waste collection from April through October (if accepted by the City as a bid alternate);~~
- ~~—(3) A once annual Spring collection of bulk waste (if accepted by the City as a bid alternate);~~
- ~~—(4) A price per residential unit, payable monthly, with a different and proportional charge depending on the size of the residential refuse container;~~
- ~~—(5) A per bag charge for the collection of residential refuse exceeding the capacity of a residential refuse container.~~
- ~~—(6) Contractor shall provide to each residential unit within a residential structure an appropriate number of recycling containers and one of at least two sizes of containers (small and large) to be selected at the option of the owner or occupant of the residential unit; and shall provide a yard waste container to each residential structure (if accepted by the city as a bid alternate);~~
- ~~—(7) An option for owner or occupants of residential units within a residential structure to decline service and avoid the applicable user charges, for periods of at least 30 days when the residential unit is unoccupied and a commensurate reduction in charges;~~
- ~~—(8) An option for owner or occupants of residential units to purchase authorized garbage bags or labels, for a price to be determined by the contract between the City and contractor, to be picked up at no additional charge by the contractor. Also, the contractor must retake authorized garbage bags or tags for retail sale to residents in at least one location within the City limits (see Section 1060.04(d)(8)).~~
- ~~—(9) A contract term of at least two years but no more than five years (however, this contract may contain a termination clause);~~
- ~~—(10) A non assignability clause;~~
- ~~—(11) A provision requiring the contractor, at the time of execution of the contract, to post a performance bond acceptable to the Manager in the amount of at least fifty thousand dollars (\$50,000), naming the City as beneficiary, to ensure the contractor's performance under the contract~~

~~—(c) Award of Residential Contract; Execution of Contract; Delivery of Performance Bond.~~

~~After receiving the bids and the recommendation from the Manager, the City Council may approve, in its sole discretion, one or more of the bids received, provided the bidder is qualified to be a licensed hauler under this chapter. The City Council shall have the right to reject any and all bids and to waive any irregularity or non conformity in any bid. The Manager shall execute the contract with the bidder selected by City Council upon receipt of the performance bond required under this section.~~

~~(b) (d) Notice to Other Licensed Haulers; Exclusivity. If a contract has been executed between the City and one or more licensed haulers, then the City must notify all other licensed haulers (licensed under Section 1060.07) of the contract. It shall be unlawful for any entity, other than a contractor, to collect, disturb, or transport residential, recyclables, yard waste or bulk waste for a fee, if that service is provided by a contractor.~~

#### **1060.04 RESIDENTIAL REFUSE; AND RECYCLABLES, YARD WASTE AND BULK WASTE; FEES.**

(a) Creation of the System. There is hereby established the City of Ionia Residential Refuse Collection and Recycling System pursuant to Act 94, which shall include all facilities, equipment, other property and contracts of the City dedicated to and used in connection with providing for the collection of residential refuse; and recyclables; ~~yard waste, and bulk waste~~ from the residential structures in the City.

(b) Contractor; Collection of Residential Refuse; and Receivables; ~~Bulk Waste and Yard Waste; Prohibition Against Scavenging.~~

(1) During the term of the residential contract, the contractor shall collect residential refuse; and recyclables; ~~yard waste and bulk waste~~ from residential structures as provided under this section. It shall be unlawful for any entity other than the contractor to collect, salvage or scavenge, or otherwise take or remove residential refuse; and recyclables; ~~yard waste and bulk waste~~ from residential structures placed for collection at curbside.

(2) Bulk waste items (mattresses and couches, etc.) may be collected, salvaged, scavenged, or otherwise taken or removed by anyone who intends to reuse the items. The items must be placed on the berm or curbside with the intent by the owner or occupant of the residential structure that the items be removed. If any bulk waste item has not been removed after a period of two days (one prior to and one following normal collection), the item must be removed to an area that shall not be visible from the street, ~~and shall be kept in a residential refuse container.~~ Residential refuse containers shall be stored in an area such that visibility from the street is minimized to the extent possible. The owner or occupant may, however, request and receive a waiver of this rule from the Director.

(d) Collection of Residential Refuse; and Recyclables and Yard Waste; ~~Spring Collection~~ .

(1) The contractor shall collect residential refuse and recyclables from residential structures on a weekly basis on days determined by agreement between the contractor and the Director. Residential refuse containers and recycling containers shall be placed at the front of the curb line in plain view from the roadway no earlier than Noon 8:00 p.m. on the day prior to the scheduled collection day. All recyclables shall be clean, dry and placed in recycling containers. The residential refuse containers and recycling containers shall be removed by the owner or occupant within 15 hours from the time the containers are emptied by the contractor.

~~—(2) The contractor shall collect yard waste from residential structures on a monthly basis from April through October on days determined by agreement between the contractor and the Director. Owners or occupants of residential structures may place yard waste on the berm in front of the residential structure no earlier than one day prior to the day scheduled for collection of yard waste. All grass clippings shall be placed neatly in bags or residential refuse containers designed for yard waste collection. Leaves may be placed neatly on the berm or in piles or in bags during regularly scheduled City pickup times only.~~



~~—(3) The contractor shall collect bulk waste once annually in the Spring from each residential structure on a day determined by the Director and the contractor. Owners or occupants of residential structures may place bulk waste on the berm in front of the residential structure no earlier than one day prior to the day scheduled for collection of bulk waste. However, the contract between the City and contractor may allow for the establishment of one or more bulk waste collection sites within the City, instead of curbside collection. (Also bulk waste may be properly removed in a manner provided under Section 1060.04(b)(2). Also, the homeowner may contract with contractors for individual removal.)~~

(2) ~~(4)~~ The owner or occupant of a residential structure shall be responsible for ensuring that the collection area on the residential structure is free of residential refuse, recyclables, yard waste, and bulk waste following collection.

(3) ~~(5)~~ The contractor shall prepare, publish and distribute, subject to approval of same by the Director, a schedule of collections in a manner designed reasonably to give notice thereof to all residents of the City, subject to the following requirements:

A. The notice of the schedules of collection shall contain the following information: the day of the week upon which collection shall be made for each collection district, a City map that delineates the collection districts by street, the name, address and telephone number of the contractor, the proper location for residential refuse containers and recycling containers pending collection, the time of day at which the containers must be so placed.

B. The notice must be published not less than two weeks prior to the beginning of any change in the collection service schedule.

C. Collection times shall be between the hours of 7:00 a.m. and 6:00 p.m. of the day scheduled for collection. No regular collection shall be made on any Sunday.

D. All schedules and routings are subject to approval by the Director.

E. Collections shall not be scheduled on the following holidays: New Year's Day, Independence Day, Thanksgiving Day, Memorial Day, Labor Day and Christmas Day. When the above holidays fall during the week, the collection schedule for the week shall be delayed one day for the remainder of the week.

(4) ~~(6)~~ The contractor shall include in any publication under this chapter or as part of compliance with the terms thereof the name of contractor, the address of contractor, the telephone number or numbers of contractor, the address of the local office of contractor and a statement as to the manner and method by which complaints regarding service may be made and shall be resolved.

(5) ~~(7)~~ The contractor shall make no changes to operational, collection or material preparation procedures without receiving approval of the City at least 30 days prior to the implementation of any such change. The contractor shall assist the City, either financially or in a manner acceptable to the City, with the dissemination of notices to collection points informing users of the system of the changes.

(6) ~~(8)~~ The contractor shall maintain an office for receipt of service calls and complaints. The office shall be open and available for calls Monday through Friday each week from 7:00 a.m. through 6:00 p.m. The office shall contain at least two telephone lines with a toll-free number for Ionia and listed under the name of contractor in the local telephone directories. Contractor shall provide an employee attendant in such office during all hours that such office is required to be open to accept and resolve complaints, orders for special pickup service or to receive instructions. In the event collection activities continue later than 6:00 p.m. on weekdays or anytime on a Saturday, an employee shall remain in service until all route collection activities are completed. The contractor shall also provide a Customer Service Representative who will visit the City Administrative Offices weekly to handle complaints, concerns or requests with residents or City staff

(e) Fees for Collection and Disposal of Residential Refuse, and Recyclables, Yard Waste, and Bulk Waste. The City Council shall establish, by resolution, fair and suitable rates and charges for the collection of residential refuse, and recyclables; ~~yard waste and bulk waste~~ and apportion such rates and charges among the residential units of the residential structures receiving services of the system. In addition, the rates and charges established by the City Council shall conform to the following:

(1) Such charges shall be established so as to reimburse the City for all costs incurred by the City under the contract and for the administration and operation of the system, including without limitation, personnel, legal, rent, postage, the cost of public bidding, and other similar and related costs.

(2) Rates and charges shall not be established to produce a surplus or profit

(3) All rates and charges for services of the system furnished to a residential unit of a residential structure shall be payable ~~monthly~~ quarterly by the owner or occupant of a residential unit and shall be a lien upon the residential unit. The Manager may include the bill for services of the system on any regular billing of the City or in any other manner approved by the City Council.

~~(4) Pursuant to Section 1060.04(e)(8), the City must apportion the percentage of fees that is related to refuse collection and the other portion of fees that is related to the collection of recyclables, yard waste, and bulk waste.~~

(4) ~~(5)~~ If a bill for services of the system are not paid by the due date indicated therein, a ten percent administrative processing charge shall be added to the bill. A ten percent administrative charge shall be added to each successive bill until paid in full. Those charges delinquent for six months or more shall be certified annually to the City Tax Assessor and entered as a lien on the next tax roll against the residential unit, or in the case of apartments the residential structure, to which such charges relate. The rates and charges shall be collected, and the lien may be enforced, in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes; and the rates and charges shall be collected; provided however that in the event the owner of a residential unit provides written notice and a copy of any applicable lease to the Director that a tenant of the residential unit is responsible for the rates and charges of the system, then the delinquent charges imposed on such residential unit shall not become a lien on the premises if the owner of such residential unit provides a cash deposit to the Director in the amount of the greater of fifty dollars (\$50.00) or three times the average charge for residential units in the system. The Director may seek collection of any charges of the system by any lawful means, including the denial of service to any residential unit.

(5) ~~(6)~~ The fiscal year of the system shall be from July 1 through June 30.

~~(6) (7)~~ An owner or occupant of a residential unit within a residential structure may elect not to receive services of the system and avoid incurring charges and fees for any period of at least 30 days, provided that the residential unit premises shall not be occupied during such period. To make such an election, the owner or occupant of a residential unit must file a written notice with the Director at least two weeks prior to the period of nonservice, indicating the dates when the residential unit will not be occupied. There shall be a five dollar (\$5.00) charge for processing each request to suspend services of the system.

~~(7) (8)~~ The owner or occupant of a residential unit may elect to receive residential refuse collection by purchasing authorized garbage bags (or tags). There shall be a requirement to purchase a minimum of ten bags at the outset in order to receive this service. The bags must be placed on the berm or curbside for collection in the same manner as residential refuse containers. The contractor will collect refuse in the authorized garbage bags (or with tags) at no additional cost.

(f) ~~Fund for Residential Refuse, and Recyclables, Yard Waste, and Bulk Waste. There is hereby established a separate fund to be known as "City of Ionia Garbage Collection Receiving Fund" into which all Fees imposed pursuant to this Chapter Section 1060.04(e) shall be deposited in the City's Solid Waste Fund (the "Garbage Fund"). The City shall pay out of this the garbage fund only those expenses incurred under the contract or costs described in this Chapter under Section 1060.04(e).~~

**1060.07 LICENSE FOR LICENSED HAULERS.**

As used in this section, "residential refuse" shall refer to residential refuse, and recyclables, ~~yard waste, and bulk waste.~~

ROLL CALL VOTE: Ayes: Patrick, Roetman, Cowling-Cronk, O'Mara, Winters, Kelley. Nays: Miller, Smith. Motion Carried.

**4. Ordinance No. 450 – Zoning Chapter – Neighborhood Stores**

Motion by Kelley and Supported by Miller to accept the recommendation of the Planning Commission and permit the record of the April 10, 2007 meeting to reflect the introduction and first reading of Ordinance No. 450, an ordinance to amend the Zoning Chapter of the City Code regarding Neighborhood Stores and schedule a Public Hearing on the amendment for Tuesday, May 1, 2007 in the Council Chamber of City Hall.

ROLL CALL VOTE: Ayes: Patrick, Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller. Abstain: Roetman. Nays: None. Motion Carried.

**5. May 8, 2007 Consolidated Election Chair & Inspectors**

Motion by Miller and Supported by Winters to accept the recommendation of the City Clerk and approve the following Election Chairperson and Election Inspectors for the May 8, 2007 Consolidated Election and approve the rates of pay for these positions: Brenda Cowling-Cronk, Chair @ \$9.50/hr. and Jean Clark, Martha Bush, and Lynda Piper @ \$8.50/hr.

ROLL CALL VOTE: Ayes: Roetman, O'Mara, Smith, Winters, Kelley, Miller, Patrick. Abstain: Cowling-Cronk. Nays: None. Motion Carried.

**6. Sale of Surplus Property – Public Safety Department**

Motion by Smith and Supported by Winters to authorize the City Manager to dispose of three surplus vehicles currently utilized by the Public Safety Department through public auction conducted by the State of Michigan.

ROLL CALL VOTE: Ayes: Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller, Patrick, Roetman. Nays: None. Motion Carried.

**7. 2007 Street Crack Sealing Project**

Motion by Smith and Supported by Winters to accept the proposal submitted by A-1 Asphalt Sealing & Repair, Inc., Wayland, Michigan dated March 30, 2007 for completing the City's 2007 street crack sealing program for \$9,845.00 and authorize the City Manager to sign the necessary project documents.

ROLL CALL VOTE: Ayes: O'Mara, Smith, Winters, Kelley, Miller, Patrick, Roetman, Cowling-Cronk. Nays: None. Motion Carried.

**8. Schedule Special Council Meeting – Review Proposed FY07-08 City Budget**

Motion by and Supported by to schedule a Special City Council Meeting for 6:00 PM, Monday, April 23, 2007 in the Council Chamber of City Hall for the purpose of reviewing the proposed FY07-08 City Budget and taking such action as necessary regarding the proposed budget.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Miller, Patrick, Roetman, Cowling-Cronk, O'Mara. Nays: None. Motion Carried.

**VIII. INCIDENTAL INFORMATION**

Councilmembers to approve accounts payables for April 12, 2007 are Roetman and/or Cowling-Cronk and for April 26, 2007 are Patrick and/or Smith.

**IX. INFORMATION OR ACTION ON LEGAL MATTERS** – Nothing to report

**X. INFORMATION FROM MAYOR AND CITY COUNCIL**

Councilmembers Patrick and Cowling-Cronk thanked the department heads for their reports.

**XI. ADJOURN**

Motion by Smith and Supported by Roetman to adjourn the council meeting at 8:35 p.m. All in favor via voice vote.

Submitted by:

Karen M. Confer  
Ionia City Clerk